

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:
	:
SPA CHAKRA, INC., <i>et al.</i> ,	:
	:
Chapter 11 (Dismissed)	:
Case No.: 09-17260	:
Former Debtors.	:
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SPA CHAKRA FIFTH AVENUE, LLC.,	:
	:
Plaintiff,	:
	:
– against –	:
	:
Adv. Proc. No.: 11-02151	:
CORNELIA FIFTH AVENUE LLC,	:
<i>et al.</i> ,	:
	:
Defendants.	:
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**ORDER SCHEDULING ORAL ARGUMENT
ON MOTION FOR SANCTIONS**

Based upon the Court’s review of the papers submitted by the parties in connection with the motion by GVK Limited Partners, Kolber Properties, LLC and George Kolber (collectively, the “Kolber Defendants”) for sanctions (the “Motion”), it is hereby

ORDERED, that a hearing will be held at 10:00 a.m. on February 26, 2013 before the undersigned bankruptcy judge in Room 723 of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, to hear oral argument, not exceeding five minutes per side (inclusive of rebuttal argument), limited to the following issues raised by the Motion:

1. If the Court determines that the Kolber Defendants failed to comply with the “safe harbor” provisions of Federal Bankruptcy Rule 9011, what effect, if any, will that determination have on the motion for sanctions under the Court’s inherent authority and 28 U.S.C. § 1927?
2. If the Court determines that the motion for sanctions by the Kolber Defendants is untimely under Federal Bankruptcy Rule 9011, what effect, if any, will that determination have on the motion for sanctions under the Court’s inherent authority and 28 U.S.C. § 1927?
3. Is the bankruptcy court a “court of the United States” authorized to award sanctions under 28 U.S.C. § 1927?

IT IS FURTHER ORDERED that the parties may submit supplemental memoranda of law in a text searchable format limited to these issues and not exceeding 15 pages within 14 days of the date of this order.

Dated: New York, New York
January 17, 2013

/s/ *Stuart M. Bernstein*
STUART M. BERNSTEIN
United States Bankruptcy Judge

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